

67108-052
Khan 7-54**REMARKS**

Claims 1-9 and 11-13 are currently pending. Claims 6-8 are amended to make clerical changes to those claims that have no relationship to any rejection of any claim of this application. Claim 10 has been cancelled as it was a duplicate of claim 9, as noted by the Examiner. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 103 based upon the proposed combination of *Subbiah, et al.* and *Kallel*. There is no *prima facie* case of obviousness because there is no motivation for making the combination. Adding a symbol metric as taught by *Kallel* to the *Subbiah, et al.* transmission scheme provides no benefit. Where a proposed combination provides no benefit there is no legal motivation for making it and the combination cannot be made.

Subbiah, et al. never retransmit a minipacket. The sequence number field 214 in *Subbiah, et al.* indicates a sequence of transmissions from a single source but has nothing to do with indicating a retransmission of any packet. For example, there is no discussion of altering or setting the sequence number responsive to an indication that a minipacket has not been received by the intended recipient. Instead, *Subbiah, et al.* only teach using the sequence number to identify where in a sequence a minipacket should fit, which allows for determining whether a packet (or up to 3 consecutive packets) has been lost at the IP layer. Therefore, there is no benefit to adding any type of retransmission identifier to *Subbiah, et al.*

Further, the symbol metric of *Kallel* has no usefulness in the *Subbiah, et al.* scheme. The symbol metric of *Kallel* is a complex formula of probabilities of receiving a group of symbols to a group of repeated bits. Such a symbol metric has no applicability to the IP transmission scheme of

67108-052
Khan 7-54

Subbiah, et al. Therefore, the proposed combination cannot be made because it provides no benefit.

Additionally, even if the combination could be made, the result is not the same as the claimed invention. The improper combination does not provide the combination of claimed identifiers and there is no prima facie case of obviousness.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, Application Serial No. 09/25437, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9806) on March 14, 2005.


Theresa M. Palmateer

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